



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/139,163	08/24/98	TUSHIE	457.003052

021186 LM02/0615
SCHWEGMAN LUNDBERG WOESSNER & KLUTH
P O BOX 2938
MINNEAPOLIS MN 55402

EXAMINER
BADERMAN, S

ART UNIT	PAPER NUMBER
2785	8

DATE MAILED: 06/15/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No.
09/139,163

Applicant(s)

Tushie et al.

Examiner

Scott T. Baderman

Group Art Unit
2785



All participants (applicant, applicant's representative, PTO personnel):

(1) Scott T. Baderman

(3) _____

(2) Sue Holloway (Reg. # 37,850)

(4) _____

Date of Interview Jun 10, 1999

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: 33-37

Identification of prior art discussed:

Tushie et al. (U.S. Pat. No. 5,889,941)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ms. Holloway stated to the Examiner that she believed the statutory double patenting rejection of claims 33-37 in the Office Action, paper number 7, mailed April 28, 1999 was improper and should be a non-statutory double patenting rejection since claims 33-37 were of different scope than those claims in the reference above. After consulting with Reba Elmore (QAS), the Examiner agreed with Ms. Holloway. The Examiner further stated that Ms. Holloway only need to respond to the Office Action stated above with a summary of the interview as well as a terminal disclaimer in order to expedite this case. Ms. Holloway agreed.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Scott Baderman 6/10/99

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.